

# **DSA Access Policy Index**

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# ACCESS POLICY UPDATE

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## 7-1-00

The following policies are adopted by DSA Access Compliance and are applicable to projects under the jurisdiction of DSA. This guide is organized with an index of *all* Access Compliance policies dating from 1994 to the present, which includes policies that have been deleted, suspended or revised.

This guide serves as an online document to allow the user to locate specific policies directly from the index. The policies that are currently in use are noted with the policy number underlined and highlighted in blue. The actual policy may be viewed by clicking on the highlighted policy number, or the corresponding policy title. To return to the index, either use the “back” arrow button in the Adobe Reader navigation toolbar, or click on the “Return to Policy Index” at the bottom of the first page of each policy.

All policies were adopted by authority assigned in California Health and Safety Code 17308(d) and California Government Code 4451 (f) to carry out the legislative scheme mandated by Government Code Section 4452.

Situations addressed by these policies are evaluated on a case-by-case basis, and a final determination is made on the basis of the physical and legal constraints or other issues that may affect the project. These policies have no application to local jurisdictions without express concurrence by those jurisdictions.

# DSA Access Compliance Policy Index

Policies are numbered sequentially within the original year of issue. Example: “94-10” is the tenth policy issued in 1994. Missing numbers indicate policies that are not access-related.

Policy  
Number    Status/Title of Policy

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- 94-01 Superseded by 96-01  
**Application of Existing Building Requirements in Seismic Upgrade of Unreinforced Masonry Buildings, Repair of Earthquake Damage, or Emergency Retrofit for Seismic Safety, Etc.**
- 94-02 Formally Deleted 2/10/96  
**Accessibility Requirements for Emergency Portable Classrooms at School Sites with Seismic Damage at El Camino Senior High School**
- 94-03 Formally Deleted 8/10/95  
**Accessibility Requirements for Emergency Portable Classrooms at School Sites with Seismic Damage**
- 94-04 Formally Deleted 10/1/98  
**Accessibility Requirements for Projection Booths or Rooms in Non-Teaching Accommodations**
- [94-05](#) **Accessibility Requirements for Exits, Exitways, and Areas of Rescue Assistance**
- [94-10](#) **Permits and Resurfacing, Repairing, and Alterations of Parking Lots**
- [94-13](#) **Accessibility Requirements for Seismic Safety Enhancement and Repair at School Sites with Damage**
- 94-15 Formally Deleted 4/1/98  
**Recommended Dimensions for Accessibility in Toilet Facilities for Children**
- [94-16](#) Revised 3/15/2000  
**Portable Classrooms: Existing Handrails on Existing Relocated Portables**
- [94-18](#) Revised 4/1/98  
**Ramp Landing Clearances at Doors**
- [94-22](#) **Alterations After Fire Damage**
- [95-01](#) Revised 10/1/98  
**Public School Alteration Projects (Under \$20,000)**
- [95-02](#) Revised 10/1/98  
**Single Room Occupancy - Hotels**
- [95-05](#) **Residential Elevators in Commercial Buildings**
- [95-06](#) Revised 10/1/98  
**Home Business Accessibility (DSA Jurisdictional Only)**

Policy  
Number    Status/Title of Policy

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- [95-07](#) Revised 3/15/2000  
**Seismic Upgrade in Hospitals**
- [95-08](#) Revised 3/15/2000  
**Counters - Food Preparation Facilities**
- [95-09](#) Revised 3/15/2000  
**Accessible Seating at Service Counters**
- 95-10 Superseded by 96-01  
**DSA Seismic Policy on Seismic Upgrade Projects**
- [96-01](#) **DSA Seismic Policy on Seismic Upgrade Projects**
- [96-04](#) **Elevator Call Button-Mounting Height**
- 96-05 Formally Deleted 3/31/2000  
**Modernization Program**
- [96-06](#) **Fire Repair Construction**
- 96-08 Formally Deleted 1/1/2000  
**Equivalent Facilitation**
- 96-09 Formally Deleted 1/21/2000  
**Alternate Methods**
- [96-10](#) Revised 12/30/96  
**Handrails at Steps**
- [97-01](#) **Unisex Restrooms**
- [97-02](#) Revised 4/5/2000  
**Permit Extensions**
- [97-03](#) Revised 6/5/97  
**Interim Disabled Access Guidelines for Electrical Vehicle Charging Stations**
- [97-04](#) Revised 4/5/2000  
**Engineered Wood Product at Playground Equipment**
- [97-05](#) Revised 4/5/2000  
**Detectable Warning Domes at Curb Cuts Required by Federal Law to be Flushed at the Lip**
- [97-06](#) Revised 4/5/2000  
**Parking Ticket Dispensers**
- [97-07](#) Revised 3/1/2000  
**Manufactured Ramps for Relocatable Buildings**
- [97-11](#) **Over-the-Counter Approvals for Existing Restrooms**

Policy  
Number    Status/Title of Policy

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[97-12](#) **Access Code Adoption to the Metric System**

[98-01](#) Revised 4/5/2000

**Special Access (Wheelchair) Lifts**

[98-02](#) **Two-Story Relocatable Classrooms Project**

98-03 Formally Deleted 9/11/02

**Modernization Program**

[98-04](#) Revised 4/5/2000

**Accessibility Requirements in Group I Occupancies**

[98-05](#) Revised 3/16/2000

**Folding Bleachers Accessible Seats**

[98-06](#) Revised 4/5/2000

**Signs**

[98-07](#) **Assembly Seating**

98-08 Formally Deleted 1/12/00

**Window Hardware**

[99-01](#) Revised 3/10/00

**Special Education Relocatable Classrooms**

[99-02](#) **Playgrounds (Being Revised)**

99-03 Formally Deleted 10/1/99

**No Title**

[99-05](#) **Application for Unreasonable Hardship Exception**

[99-06](#) **Residential Care Facility**

[99-07](#) **Toilet Paper Dispensers at Accessible Stalls**

[99-08](#) Revised 1/1/00

**Door Stops and Other Floor-Mounted Obstructions**

99-09 Formally Deleted 10/1/99

**Waivers**

[99-09.1](#) Supersedes 99-09

**Waivers**

[00-01](#) **Self-Evaluation and Transition Plan**

[00-02](#) **Acceptance of Construction Documents Policy**

**Accessibility Requirements for Exits,  
Exitways, and Areas of Rescue Assistance****94-05**

Effective 3-1-94

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** This policy notice is to describe the requirements for Access Compliance as required for exits, exit-ways, and areas of rescue assistance in all occupancies, except privately funded housing. Access regulations are applicable to all such projects, and do provide exceptions for hardship circumstances only when written findings justify those exceptions.

**Resolution:** All entrances must be accessible, but exit-only doors are treated separately by the California Building Code. In existing buildings, only the accessible entrance doors are required to be accessible and “egressable” for people with disabilities.

**However, in new buildings, all exit only doors (doors without entry hardware) are required to be accessible and “egressable” for peoples with disabilities. There are three (3) exceptions:**

1. Exits are exempt in buildings with fully supervised sprinkler systems.
2. Exits with a 1-hour protected area of rescue assistance are exempt.
3. Singular non-required (courtesy) exits more than 24 inches above or below adjacent grade which are posted “not accessible exit” are exempt.

Note that a “supervised sprinkler system” means a permanent relay notification system or other monitored system and does not include occasional oversight programs.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Permits and Resurfacing, Repairing, and Alterations of Parking Lots

# 94-10

Effective 6-13-94

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Permits are sometimes not required when parking lots undergo resurfacing, repairing and alterations. Because permits may not be required, a common misunderstanding is that compliance with Title 24 with regard to access is unnecessary.

**Resolution:** Even though permits are not always necessary for resurfacing, repairing, or alterations, compliance with the State Building Code is required and disabled parking must be provided. The effective date of the application of requirements is the date construction begins. The Building Officials' authority is recognized in Government Code 4450 and Health and Safety Code 19955.

“Every existing public accommodation constructed prior to July 1, 1970, which is not exempted by Section 19956, shall be subject to the requirements of this chapter when any alterations, structural repairs or additions are made to such public accommodation ...” (Health and Safety Code 19959.)

“After the effective date of this section, any building or facility which would have been subject to this chapter but for the fact it was constructed prior to November 13, 1968, shall comply with the provisions of this chapter when alterations, structural repairs or additions, are made to such building or facility ...” (Government Code 4456.)

“Except as otherwise provided by law, buildings, structures, sidewalks, curbs, and related facilities subject to the provisions of this chapter or Part 5.5 (commencing with Section 19955) of Division 13 of the Health and Safety Code shall conform to the building standards published in the California Building Standards Code relating to access for the persons with disabilities and the other regulations adopted pursuant to Section 4450 that are in effect on the date of an application for a building permit. With respect to buildings, structures, sidewalks, curbs, and related facilities not requiring a building permit, building standards published in the California Building Standards Code relating to access for persons with disabilities and other regulations adopted pursuant to Section 4450, and in effect at the time construction is commenced shall be applicable.” (Government Code 4451(c).)

Some jurisdictions adopt local ordinances requiring permits in order to manage this issue and monitor compliance. The Building Official can charge special inspection fees as neces-

sary for site inspections and is required to assume the responsibility for access whether or not the work is permitted.

Approving Authority:

A handwritten signature in black ink, appearing to read "M. J. Mankin", with a stylized flourish at the end.

Michael J. Mankin, AIA  
Manager, Access Compliance Program



## Accessibility Requirements for Seismic Safety Enhancement and Repair at School Sites with Damage

# 94-13

Effective 7-19-94

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** This policy notice is to describe the requirements for Access Compliance for expediting at all school seismic safety enhancement and repair projects at facilities damaged by seismic events and are undergoing mitigation work. Access regulations are applicable to all such projects, and do provide significant exceptions for hardship circumstances when written findings justify those exceptions.

**Resolution: Seismic enhancement at schools and access obligations under the following types of projects:** In 2, 3, and 4 below, there must be at least one accessible path of travel to a primary entrance from each pedestrian, vehicular, or transportation arrival point to accessible toilets within the area of work, or within 200 feet of the area of work. There must also be accessible toilets and restrooms within 200 feet if any exist. And, there must be accessible parking on an accessible route to the toilets if any exist.

1. Suspended ceiling, strengthening and ceiling restraint enhancement:

Does not initiate accessibility obligations if, and only if, it's not a part of a larger structural repair project. If the work includes repair and/or replacement of primary or secondary structural systems, then access would be as required as described in number 2 below.

2. Skywalks that link buildings.

Initiates accessibility for path of travel obligations to toilet rooms, parking, and other contingencies, but not to area of seismic work

3. Arcades and colonnades.

Initiates accessibility for path of travel obligations to toilet rooms, parking, and other contingencies, but not to area of seismic work.

4. Covered outdoor, open air environments/shelters, (e.g. lunch shelters.)

Initiates accessibility for path of travel obligations to toilet rooms, parking and other contingencies, but not to area of seismic work.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

**Portable Classrooms:  
Existing Handrails on Existing Relocated Portables****94-16**

Effective 8-18-94

Revised 3-15-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Existing Regulatory Language****Issue: Alterations**

**Section 3112A.** (a) General. All existing buildings and facilities, when alterations, structural repairs or additions are made to such buildings or facilities, shall comply with all provisions of Division I, New Buildings, except as modified by this division. These requirements shall apply only to the area of specific alteration, structural repair or addition and shall include those areas listed below:

- i) A primary entrance to the building or facility and the primary path of travel to the **specific area of alteration**, structural repair or addition. [Emphasis added]

**Resolution:** This policy is for purposes of projects under DSA jurisdiction, and not for implementation beyond this jurisdiction. Relocated portables built and constructed prior to April 1, 1994 may have ramps with handrails meeting former code requirements, 30 inches to 34 inches above the surface of the ramp. New handrail heights are required to be provided 34 inches to 38 inches above the ramp - a range 4 inches higher than earlier code requirements. If the handrails are altered or added after April 1, 1994, then they must meet the new height requirements. However, if any portable classroom is relocated intact and placed on a new foundation system, and the existing handrails are not a specific area of alteration, they may remain at the existing height required by code at the time of original construction.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Ramp Landing Clearances at Doors

# 94-18

Effective 9-9-94

Revised: 4-1-98

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** There appears to be a conflict in analyzing the requirements of Section 1133B.2.4.2 MANEUVERING CLEARANCES AT DOORS and Section 1003.3.4.4 ENCROACHMENT OF DOORS. The intent of the language is to provide safety and usability at restricted areas. Section 1133B.2.4.2 is applicable in corridors and other confined areas. Section 1003.3.4.4 is specific to ramps where an adequate landing of 42 inches is needed to prevent hazardous drop-offs from creating a dangerous situation. The required clearance at the top of ramps is 42 inches plus the door width if the door swings onto the landing and reduces the available area. This size landing often appears to be excessive in light of the requirements for corridors.

**Resolution:** The requirement of Section 1133B.2.4.2 is only applicable to corridor arrangements where hazardous drop-off is not an issue, and therefore, does not apply to ramps. The second provision, Section 1003.3.4.4 requires 42 inches plus door width measured from the door in any position to the drop-off edge or ramp. However, there are times when the ramp approaches the door landing from one direction only and the other sides of the landing are protected by a guardrail, thus reducing the drop-off hazard in that direction. In this case only, the maximum distance may be reduced to five feet in the direction of the door swing or twenty-four inches beyond the edge of the door opened at ninety (90) degrees, as with the requirements for doors opening into corridors.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Alterations After Fire Damage

# 94-22

Effective 11-4-94

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Traditionally, in fire repair work, most codes only require replacement of materials as built according to the codes in effect at the time of the original construction, and does not require the construction repair to comply with current code levels. Also, most code issues are normally confined to the fire damage area.

The State Building Standards Code and the federal Americans with Disabilities Act provisions require the scope of work to extend outside the fire damage area if it is necessary to provide accessible toilets, path of travel and parking.

**Resolution:** This policy is intended to discuss a change in scope effective April 1, 1994, promulgated by recent federal and state code changes adopted to address the requirements of the Americans with Disabilities Act of 1990. The U.S. Department of Justice has notified public entities including the Division of the State Architect that states cannot waive obligations to provide necessary accessible paths of travel, toilet rooms and parking beyond the scope of fire repair areas.

On the state funded school projects, the Office of Local Assistance which funds fire repair projects has been made aware that they must fund these additional requirements as a necessary part of projects they fund. Also, school district insurance policies generally apply only to the damaged area and additional insurance might be necessary for full coverage of needed work.

All other projects may also be underinsured for fire damage repairs. The law does not allow repairs without accessible toilets, path of travel and parking. The repair work must extend beyond the damaged area if it does not include all aspects of the required features.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

**Alteration Projects under \$25,000****95-01**

Effective 1-11-95

Revised 10-1-98

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** There is no dollar value minimum threshold for exempting Access Compliance on small projects except for projects governed by the Field Act. In other words, no matter the cost, the accessibility requirements are initiated by minor (non-cosmetic) work.

**Resolution:** By law, Division of the State Architect, Access Compliance (DSA/AC), must review any and all work which affects path of travel, functional areas, gates, fences, outdoor surfaces, landscaping, grading, and signage, etc. On Field Act projects under \$25,000 no review is required. On other state projects, you may fax or send us the information and drawings. If we do not agree with the general design of the project, we will request reduced drawings showing the work and will charge our hourly rate (presently \$102.00 per hour) or a minimum \$200.00 review fee, whichever is less, for the plan checking of architectural, structural, or civil plans. When compliance issues are resolved, you will be faxed the approval and the fee will be billed. Should the plans not appear complete, or if accessibility features are not indicated, then this office, prior to construction, must approve detailed review of all drawings and specifications.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

**Single Room Occupancy - Hotels****95-02**

Effective 11-17-95

Revised 10-1-98

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Single room occupancy accommodations. The State Building Code does not include language specific to single room occupancy facilities operated as transient lodging but used as long term residences by some tenants. This unique sector of housing accommodations is, by some jurisdictions, required to meet the full accessibility requirements for hotels, but this often does not meet the needs of an elderly population desiring to live in the facility long term and make minor accessibility modifications. Also, if these buildings were to be regarded as residences, there would be only adaptable living accommodations, not immediately useable to someone arriving for short-term stay.

**Resolution:** In single-room occupancy accommodations, the Division of the State Architect has determined that the intent of providing access can be met by providing full compliance, as required for hotel accommodation, and the added requirement that all of the rooms, in addition to this, should be designed to meet the adaptability requirements for long term living accommodations. Although some single room occupancy facilities may not have cooking and food preparation facilities, and may only have congregate eating, rather than regarding them as dormitories they should be considered as single room occupancy hotels with approximately four percent (4%) fully accessible, with the balance meeting the adaptability requirements found in Chapter 11B, Section 1111B.5 which refers to Chapter 11A. Under our jurisdiction we do not treat these facilities as either, but as both hotel and dormitory.

For purposes of serving the needs of the elderly and disadvantaged, it is important to maintain the incentive for providing as many units as possible to meet the needs of an aging population.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Residential Elevators in Commercial Buildings

# 95-05

Effective 5-1-95

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** There have been a number of requests from plan checkers and designers who would like to know exactly when and where Article 15 (residential) elevators can be used. Most importantly, Article 15 elevators are only allowable when there is an unreasonable hardship finding in writing granted by the official. It is important to note that the Division of Industrial Relations, Occupational Safety and Health Standards Board does not require a variance from their regulations to use an Article 15 elevator. However, their regulations do not detail accessibility requirements under Division of the State Architect jurisdiction. Therefore, the developer of architect needs a variance from the Division of the State Architect's regulations, which requires certain sizes for full service elevators. The official should allow an Article 15 elevator only when there is no other solution available within the scope of the project, without incurring disproportionate costs, or to provide access to small areas or where existing constraints allow no alternatives otherwise.

**Resolution:** An Article 15 elevator may be used in conjunction with the following features when there is a written unreasonable hardship. The size must be 48 inches deep by 36 inches minimum clear width and it must be a pass through design. Corner designs are not accessible unless they have a depth of 5 feet and at least a 42 inch wide door. This is normally required for an alcove arrangement in the code. These corner lifts are generally considered inaccessible even with all the features detailed here in this section, and should be used only where existing buildings allow no other alternative.

In addition to a pass through design, the door must be 32 inches clear, and in the car there must be a wand or other reaching devise on a chain to allow a right-handed person to reach the control on the left hand side, or to allow a left-handed person to reach the control on the right hand side. A wand is not needed if there are accessible controls on both sides. A key must be required in certain circumstances where security and safety are significant issues.

The problem with a key is that it is generally required by recognized national standards. However, it does seem to be contrary to a mandate in the ADA for unassisted access and egress. Inside the car the controls must be located at the proper height, as for commercial elevators, with the Braille and raised letters, white letters on black background, and must have the symbols as required in the code for commercial elevators. Also, there must be a phone in the car, as required by the code.

Any key in the car must be chained and constantly available in the car, or the elevator itself must have the key permanently installed in the lock and the elevator must be powered on in the morning when the building is opened, and if necessary, power turned off when the build-



ing is closed in the evening. Therefore, the key must be readily available at all times.

It should be emphasized that the operation of the controls must be a single operation. It cannot require constant pressure on a key to activate the buttons. There must be a power opening car gate. This means that no scissors gate, or other pinching or shearing type of gate design shall be used. It may be a celluloid type of panel that goes into a pocket along the side of the car, or it can be an accordion type gate with a vinyl envelope, so that there's no possibility of pinching or shearing. Also, the car gate must be either arranged in a way to allow gravity to close the gate, or be a power closing car gate.

Outside the car there must be a power opening hoistway door with a slow close closer on it that would not have a pressure exceeding 5 pounds maximum at any point. This power opening hoistway door device should not defeat the interlock. Outside the elevator there must be raised letters in Braille, on the latch side raised letters where the jam would be, and these must be arrow lanterns, car call buttons and clearances as required for commercial elevators.

It should be emphasized that these residential elevators should only be used to access minor areas, such as lofts, projection rooms in schools and other locations where the occupancy is rather small. DSA/AC is inclined to endorse using it for areas larger than 400 square feet. However, each situation will be looked at separately. Also, it is possible to protect the historic fabric in some buildings where this is necessary and an Article 15 elevator is often a great solution in existing buildings where the superstructure of the existing building cannot manage incorporation of a full commercial elevator.

An Article 15 elevator should not be used as a primary path of travel unless it is absolutely necessary. These elevators generally cost about \$40,000 to \$60,000 dollars. Therefore, any project over \$300,000 of construction cost would normally be able to incorporate an elevator of this caliber if there was a hardship. Otherwise, if the project scope of work exceeds \$500,000, then a commercial elevator would probably be regarded as the appropriate solution and a hardship for disproportionate cost should not be allowed. In that case, a commercial elevator would be the reasonable solution.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program



## Home Business Accessibility

# 95-06

Effective 6-1-95  
Revised 10-1-98

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Home business in Group R Occupancy must be accessible. The State Building Code requires “adaptable” accessibility in long-term living accommodations. Should “home business” areas be required to comply with accessible features?

**Resolution:** Under federal civil rights law, home business operations are required to make “readily achievable” changes in public-only areas on an ongoing basis by Americans With Disabilities Act (ADA) Title III. It is the determination of DSA that “home business,” for purpose of access requirements, is not a “public accommodation,” and that accessibility in these environments is more appropriately a civil rights obligation allowing programmatic solutions rather than prescriptive building requirements.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Seismic Upgrade In Hospitals

# 95-07

Effective 8-1-95

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Hospitals and medical facilities undergoing seismic alterations. Whereas seismic enhancement of existing buildings is considered alteration work, as determined by this office and confirmed in the latest Attorney General Opinion (attached), the code requires that all new alteration work comply with the current access requirements, and that a path of travel to the areas of new work, including accessible toilets, parking and other contingencies which serve that area of work, must also be accessible. Although the code is very specific about what amount of work must be done on projects under the cost threshold identified in Section 1134B.2.1, Exception 1, it does not specify the limit of accessible toilets where several types of toilets serve the area of remodel. This policy intends to provide appropriate scoping to those hospital or medical facilities projects undertaking seismic repair or enhancement.

**Resolution:** When hospitals are seismically enhanced or upgraded, or when alteration work is for the purpose of seismic repair, the view of this office is that the entire building is being enhanced, and that there is no specific area of alteration if that seismic repair does not substantially redefine the primary functions or spaces within the building. In other words, adding structural steel, shear wall, ties and so forth, are items that do not in any way encompass accessibility issues. However, it is the view of this office that such seismic enhancement of the building extends its useful life for many years and should be to the benefit of persons with disabilities.

Therefore, although this office does not consider there to be a specific area of alteration, the other part of the obligation in alteration work is to provide accessible contingencies that serve the building. In the case of hospitals, there are many functions that benefit from this seismic function enhancement and toilet rooms are generally available in relationship to the various functions throughout the building. Therefore, when such work is undertaken, minimally this office will accept male and female separate toilet facilities for three classes of individuals in hospital alteration work: employees' toilet rooms, visitors' toilet rooms and patient toilet rooms.

The location of accessible toilets to be upgraded may be determined by the architect in charge of the project, and it is hoped that those toilet rooms that will serve the greatest number of people in the greatest variety of functions will be selected. Path of travel to those toilet rooms is also required, but exceptions for existing constraints, existing elevator shafts, existing structural constraints and other reasonable hardships will be allowed in the required accessible path to those toilet rooms. In addition, drinking fountains and telephones avail-

able to those three classes of occupants of the building shall also be made fully accessible. Parking, if provided, shall also be made accessible to serve those three classes of individuals.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

**Attachment to Policy 95-07:**

[TO BE PUBLISHED IN THE OFFICIAL REPORTS]  
[OFFICE OF THE ATTORNEY GENERAL]  
[State of California]  
[DANIEL E. LUNGREN]  
[Attorney General]

**“OPINION of DANIEL E. LUNGREN, Attorney General  
CLAYTON P. ROCHE, Deputy Attorney General”**

**“No. 94-1109”**  
**“May 10, 1995”**

*THE HONORABLE BRUCE McPHERSON, MEMBER OF THE CALIFORNIA ASSEMBLY, has requested an opinion on the following question:*

*“Does the seismic strengthening of an unreinforced masonry building required by local ordinance constitute a “building alteration, structural repair or addition” for purposes of providing access for disabled persons?”*

**CONCLUSION**

The seismic strengthening of an unreinforced masonry building required by local ordinance constitutes a “building alteration, structural repair or addition” for purposes of providing access to the building for disabled persons.

**ANALYSIS**

*This request for our opinion involves the requirements for providing access to public buildings for disabled persons as set forth in sections 4550-4558 of the*

*Government Code<sup>1</sup> and administered by the State Architect. Section 4450 provides:*

*(a) It is the purpose of this chapter to ensure that all buildings, structures, sidewalks, curbs, and related facilities, constructed in the state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and useable by persons with disabilities. The State Architect shall develop and submit proposed building standards to the California Building Standards Commission for approval and adoption . . . and shall develop other regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and useable by persons with disabilities. The regulations and building standards relating to access for persons with disabilities shall be consistent with the standards for buildings and structures which are contained in pertinent provisions of the latest edition of the Uniform Building Code . . . and these regulations and building standards shall contain additional requirements relating to buildings, structures, sidewalks, curbs, and other related facilities as the State Architect determines are necessary to assure access and usability for persons with disabilities . . .*

*(b) However, in no case shall the State Architect's regulations and building standards prescribe a lesser standard of accessibility or usability than provided by the Accessibility Guidelines prepared by the federal Access Board as adopted by the United States Department of Justice to implement the Americans with Disabilities Act of 1990 (Public Law 101-336).*

*Subdivision (d) of section 4451 provides:*

*Until building standards are published in the California Building Standards Code and other regulations are developed by the State Architect and adopted by the California Building Standards Commission pursuant to Section 4450, buildings, structures, sidewalks, curbs, and related facilities subject to the provisions of this chapter or Part 5.5 (commencing with Section 19955) of Division 13 of the Health and Safety Code shall meet or exceed the requirements of Title III of Subpart D of the Americans with Disabilities Act of 1990.<sup>2</sup>*

*The disability access requirements are applicable to existing public buildings "when alterations, structural repairs or additions are made." Section 4456 states:*

*" . . . any building or facility which would have been subject to this chapter but for the fact it was constructed prior to November 13, 1968, shall comply with the provisions of this chapter when alterations, structural repairs or additions are made to such building or facility. This requirement shall only apply to the area of specific alteration, structural repair or addition and shall not be construed to mean that the entire structure or facility is subject to this chapter. "*

*By regulation the State Architect requires compliance with the disability ac-*

cess requirements at the time of “renovation, structural repair, alteration and additions to existing buildings . . .” (Cal. Code Res., tit. 24, § 3109A.) Thus the access requirements are imposed upon the owners of existing public buildings only when construction is underway and the opportunity to mitigate deficiencies is at hand. (See Cal. Code Regs., tit. 24, § 110.) Also, certain exceptions are allowed with respect to historic buildings (Cal. Code Regs., tit. 24, §§ 8-1300—8-1306), elevators (Cal. Code Regs., tit. 24, § 5103), and a monetary limitation is placed upon the amount required to be spent to correct any deficiencies (Cal. Code Regs., tit. 24, § 3112). A general statutory exemption to the literal requirements is authorized “when it is clearly evident that equivalent facilitation and protection are thereby secured.” (§ 4451, subd. (f).)

The applicable definitions in the regulations governing earthquake design specify in relevant part:

**ADDITION** means any work which increases the floor or roof area or the volume of enclosed space of an existing building and is dependent on the structural elements of that facility for vertical or lateral support.

**ALTERATION** means any change in an existing building which does not increase and may decrease the floor or roof area or the volume of enclosed space.

**STRUCTURAL REPAIRS** are any changes affecting existing or requiring new structural elements primarily intended to correct the effects of deterioration or impending or actual failure, regardless of cause.” (Cal. Code Regs., tit. 24, § 2331.)

On February 8, 1994, the State Architect issued Policy No. 94-01, reaffirming his 1991 administrative determination that the seismic strengthening of an unreinforced masonry building would constitute a “building alteration, structural repair or addition” for purposes of providing access to the building for disabled persons. We are asked whether the State Architect’s administrative determination is correct. We conclude that it is.

In 61 Ops.Cal.Atty.Gen. 555 (1978), we construed the language of section 4556 as it applied to a city library at the time its front porch and walkway were restored and modernized. We concluded that section 4556 required the restored area to be made accessible to and usable by disabled persons. With respect to whether the modifications constituted “alterations, structural repairs or additions” within the meaning of the statute, we stated :

An ‘alteration’ is a change or modification in construction (Webster’s Internat. Dict. (3d ed. 1966) p. 63; U. Bldg. Code (12973) § 402, p. 36); a ‘structural repair’ is a reconstruction or renewal of an essential element of a facility for the purpose of its maintenance (Webster’s New Internat. Dict. (3d ed. 1966) pp. 1923,

2266; U. Bldg. Code (1973) § 419, p. 42); an 'addition' is an extension by joining the one thing to another (Webster's New Internat. Dict. (3d ed. 1966) p. 24; U. Bldg. Code (1973) § 402, p.36).

*The facilities in question have been changed in a material manner, not merely restored to their original condition. We are not concerned here with simple maintenance, such as the patching of cracks in the steps. Moreover, these front entrance facilities are not ornamental in nature but are essential to the use of the library. Covering the facilities with concrete and increasing the number of steps thus constitute construction modifications of essential elements (with the addition of the side handrails) for the purpose of providing safe access to the general public.*

*Taken as a whole, we conclude that these modifications to the library's front entrance facilities come within the meaning of 'alterations, structural repairs or additions' as those terms are used in section 4456." (Id. at p. 557.)*

*In 76 Ops.Cal.Atty.Gen. 130 (1993), we examined the requirements of the federal Americans with Disabilities Act of 1990 to public buildings in California. We stated in part:*

*The Americans With Disabilities Act of 1990 (Pub.L. No. 101-336; 42 U.S.C. § 12101, et seq.; hereafter "ADA") was enacted by Congress as a civil rights statute to deal with the discrimination against individuals with disabilities in the areas of employment (Title I), public services (Title II), and in the construction or alteration of places of public accommodation or commercial facilities (Title III). Unlawful discrimination occurs under Title III when a private party designs and constructs a new public accommodation or commercial facility, or alters an existing one, and fails to make the facility 'readily accessible to and useable by individuals with disabilities.' (§ 303.) Title III is implemented by regulations issued by the United States Attorney General (§ 306(b)), and the standards included in the regulations are required to be consistent with the minimum guidelines and requirements promulgated by the Architectural and Transportation Barriers Compliance Board (§ 306(b)).*

*. . . Government Code section 4450 ensues 'that all buildings, structures, sidewalks, curbs, and related facilities, constructed in this state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and useable by individuals with disabilities.' Under this statute the State Architect has adopted regulations and building standards necessary to assure access to and usability of public buildings by individuals with disabilities. The same regulations are made applicable by Health and Safety Code sections 19955 and 19956 to public accommodations or facilities constructed with private funds. Chapter 913 added the directive with respect to these statutes that 'in no case shall the State Architect's regulations and build-*



*ing standards prescribe a lesser standard of accessibility of usability than provided by regulations of the Federal Architectural and Transportation Barriers Compliance Board adopted to implement the Americans With Disabilities Act of 1990.’ (Gov. Code, § 4450, subd. (b).)” (Id., at pp. 131-133, fns. omitted.)”*

*The regulations mentioned in our 1993 opinion that were issued by the United States Attorney General implementing the federal access requirements provide in part as follows:*

*(a) General. (1) Any alteration to a place of public accommodations or a commercial facility, after January 26, 1992, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.*

*(2) An alteration is deemed to be undertaken after January 26, 1992, if the physical alteration of the property begins after that date.*

*(b) Alteration. For the purposes of this part, an alteration is a change to a place of public accommodation or a commercial facility that affects or could affect the usability of the building or facility or any part thereof.*

*(1) Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.*

*(2) If existing elements, spaces, or common areas are altered, then each such altered element, space, or area shall comply with the applicable provisions of appendix A to this part.*

*(c) To the maximum extent feasible. The phrase ‘to the maximum extent feasible,’ as used in this section, applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).” (28 C.F.R. § 36.402 (1994).)*

*We agree with the State Architect that the seismic strengthening of an*

*unreinforced masonry building constitutes a “building alteration, structural repair or addition” for purposes of providing access to the building for disabled persons. Seismic strengthening is structural, not cosmetic or decorative. Undeniably, it goes beyond normal maintenance; its purpose is to affect the basic usability of the building itself. In comparison to federal law, California law provides equal if not greater access for disabled persons. (§§ 4450-4451.) Seismic strengthening constitutes an “alteration” under federal law. (28 C.F.R. § 36.402 (1994).) The State Architect’s imposition of access requirements for the seismic strengthening of unreinforced masonry buildings is thus consistent with the federal statutory scheme and implementing regulations.*

*Moreover, as the public official charged with implementing the state legislation in question, the State Architect’s interpretation of section 4556 with respect to seismic strengthening is entitled to great weight. (See Norman v. Unemployment Ins. Appeals Bd. (1983) 34 Cal.3d 1, 8; In Re Kelly (1983) 33 Cal.3d 267, 277; Adamson v. Department of Social Services (1988) 207 Cal.App.3d 14, 22.)*

*Accordingly, we conclude that the seismic strengthening of an unreinforced masonry building required by local ordinance constitutes a “building alteration, structural repair or addition” for purposes of providing access to the building for disabled persons.*

FOOTNOTES:

<sup>1</sup> All references hereafter to the Government Code are by section number only.

<sup>2</sup> We note that sections 4450-4458 are applicable not only to public buildings, but also “public accommodations or facilities constructed in this state with private funds.” (Health & Saf. Code, §§ 19952-19954, §§ 19995-19999; see generally *City and County of San Francisco v. Grant Co.* (1986) 181 Cal.App.3d 1085; *People Ex Re. Deukmejian v. CHE, Inc.* (1983) 150 Cal.App.3d 123; *Marsh v. Edwards Theatre Circuits, Inc.* (1976) 64 Cal.App.3d 881.)



**Counters – Food Preparation Facilities****95-08**

Effective 9-1-95

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Food sales facilities with service counters. There are many types of food preparation areas in sales facilities serving the general public where sandwiches are made, food is prepared and food is offered for sale. Salad bars, food lines, and over the counter pick-up areas are often provided as areas where food is offered for sale or for delivery. There is very little tradition in this industry of providing accessible height counters in the commercial equipment used to prepare and/or serve food.

**Resolution:** In food preparation facilities, food sales facilities, and other areas where the public accommodation includes a counter for purposes of food delivery, food selection and/or payment transaction counters, those areas must provide five percent (5%) of the accessible counter length or at least 36 inches of accessible counter length, whichever is greater. The maximum height shall be no more than 34 inches above the finish floor. In addition, all tray slides shall be provided at 34 inches maximum and all informational signage shall be provided as required by the State Building Code. In projects under our jurisdiction, there will be no exceptions without a written finding of unreasonable hardship based on legal or physical constraints, or existing conditions, but not operational constraints. It should be emphasized that proper sneeze guards complying with the attached drawing allows a lowered counter without the need to eliminate the food preparation area immediately beyond the accessible area.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

**Accessible Seating At Service Counters****95-09**

Effective 10-31-95

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue: Scenario 1 - New Construction:** Title 24 requires 5% and not less than 36 inches in length of a lowered area for wheelchair access; if the bar is longer than 60 feet, then obviously 5% of that length will need to be more than 36 inches long. Note that seating for one at a lowered section probably does not offer equal opportunity to sit shoulder to shoulder and converse with others. Therefore, we suggest that lowered seating should accommodate more than one person in order to fully address the intent of statutes in the Health and Safety Code calling for equal opportunity.

Alternatively for existing bars and counters, DSA/AC will accept equivalent facilitation, and allow an adjacent area with similar architecture and case work of the bar to be built in nearby proximity to the bar. We suggest a mini version of the bar at a lower height with the same ambience, the same case work design, the same architecture, and the same service.

**Scenario 2 - Existing Bar:** Some of the existing bars may have historical fabric, which would allow you to use the State Historical Building Code. One could leave historic bars alone and provide a matching accommodation as described above. In other existing bars non-historical, plan review staff will allow the above situation for a matching sit-down bar when alterations of the existing bar are extremely difficult.

**Resolution:** In general, new bars should be designed in a new way with a section that is lowered for several people at one end, to provide equal opportunity for disabled colleagues and their able-bodied friends to enjoy the same public accommodation as anyone else. Table service, which has been an acceptable alternative in the past in California, and which is still an acceptable alternative in federal ADA requirements, is no longer an option nor is it permissible in California on projects submitted for permit after April 1, 1994.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

**Dsa Seismic Policy On Seismic Upgrade Projects****96-01**

Effective 1-18-96

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** If buildings are structurally damaged by seismic event, or when their condition requires seismic upgrade and retrofit work, it has been the opinion of the Attorney General for the State of California that accessibility is required.

**Resolution:** The first category is the California Construction Law requirements with regard to construction requirements to provide physical accessibility to buildings when they undergo alteration or seismic repair. There are two requirements for this type of alteration work: (1) the work must comply with the current code requirements for access, (2) there must be a path of travel to toilets which serve the area of alteration. In seismic work the entire building is considered to be the area of alteration work. However, if the seismic upgrade work does not alter the primary use or function of the building, **AND/OR** does not alter the design of rooms and spaces, then it does not trigger path of travel obligation to area of seismic upgrade. If there are areas of alteration of spaces, then there must be path of travel to those areas of altered spaces, as in any existing alteration project designed for accessibility.

The other most significant category for access work is civil rights issues, which require public entities to offer equal opportunity in programs offered by those agencies. The requirements require a survey of all deficiencies and an upgrade of those deficiencies, as may be necessary to deliver equal opportunity in programs offered by the public entity.

The Division of the State Architect does not enforce civil rights issues. They are enforced by the U.S. Department of Justice, and it is also enforced by California Statute through the courts. Both state and federal civil rights issues are not considered to be part of plan review work through this office.

Note: If the question arises whether or not the project meets all ADA requirements, the answer would be **no**, because although we are meeting the accessibility requirements for alteration, we are not taking on all of the programmatic obligations of the agency who owns the facility. But if the question was 'does this project meet State Building Code requirements, or Title 24 requirements', the answer would be **yes**, because we would be providing in these projects a single path of travel to toilets that serve the building.

**Accessibility Requirements Identified on the Occupancy Basis**

**All Occupancies:** A primary entrance to the building or facility and the primary path of travel to specific area of alterations as follows:

1. any remodeled area which alters an accessibility issue (changes to door widths, corridor widths, path of travel clearances, or room remodels where the layout of the room is changed in a way that affects accessibility);
2. an accessible route to the altered area described above;
3. at least one accessible restroom for each sex as outlined in the occupancy descriptions below;
4. accessible telephones;
5. accessible drinking fountains; and
6. when possible, additional accessible elements such as storage and alarms.

**Group A Occupancies.** These facilities generally have toilet rooms provided for the general public and may have separate toilet facilities for employees only. In these occupancies, two pair (men & women) toilet rooms are required for the facility; one pair for general public and the second pair, if separate, toilet facilities for employees only are provided, unless all of the employees are using the same facilities as the general public.

**Group B Occupancies.** These facilities generally have toilet rooms provided for the general public and may have separate toilet facilities for employees only. In these occupancies, two pair (men & women) toilet rooms are required for these facilities; one pair for general public and the second pair, if separate, toilet rooms for employees only are provided, unless employees are using the same facilities as the general public.

**Group E Occupancies.** Often require separate facilities for staff, children, or students, and toilet facilities for guests or the visiting public. A pair of toilets for each of these uses must be made accessible.

**Group F Occupancies.** These tend to be employee only areas. If there are employee only toilets, a pair of toilets must be provided that are accessible for employees, and a pair of toilets must be provided for the visiting public, if such toilet facilities are provided.

**Group H Occupancies.** These tend to be employee only areas. If there are employee only toilets, a pair of toilets must be provided that are accessible for employees, and a pair of toilets must be provided for the visiting public.

**Group I Occupancies, Hospitals.** These often have many disabled patients. A pair of toilets is required for the staff. A pair of toilets, male and female, are required for guests or the visiting public, and a pair of toilets or a unisex toilet must be provided on each floor of hospitals and other Group I Occupancies.

**Group M Occupancies.** A pair of toilets must be accessible if they are available for the general public and employees.

**Group R Occupancies.** In hotels and apartments, if there are common restrooms, they must be accessible for both male and female visitors, and individual toilet rooms serving units that are accessible or adaptable, must be made accessible according to Table 11B-4 and 11B-5. All ground floor units, or all of the units closest to grade must be made adaptable.

**Group S Occupancies.** If there are toilets provided, then a pair of toilets shall be accessible to persons with disabilities.

**Group U Occupancies.** Generally there is no requirement, unless those occupancies are used for educational or recreational use. In that case, if there are separate toilets for employees, then a pair of those must be accessible. If there are toilets provided for the guests or visiting public, a pair of those toilets must also be accessible.

For further discussion of the above listed types of buildings, on a case-by-case basis, please contact the Access Compliance Policy and Code Development Unit.

**Elevators in Buildings.** All elevators must be posted in braille as accessible elevators if they are required to provide access to accessible restrooms. Otherwise, only one elevator is required to be accessible in a bank of elevators, as long as it is posted as the only accessible elevator, and the elevator has a dedicated use for persons with disabilities.

**Historic Buildings.** The Historical Building Code allows alternative accessibility solutions on a case-by-case basis.

Note 1: For all occupancies, accessible toilets are preferred to be closest to the main lobby or main entrance of the building. With the exception of Group I Occupancies, Hospitals, accessible patient toilets must be provided on each floor. Visitor toilets are preferred to be closest to the main lobby or main entrance.

Note 2: New work beyond seismic will initiate new codes.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Elevator Call Buttons-Mounting Height

# 96-04

Effective 6-11-96

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** The California Building Code, Title 24, Section 3003.4.9a requires that elevator call buttons be located within 42 inches of the floor. In a typical field installation the low voltage wiring hook ups are pulled into a junction box that is often secured or cast into the rough framing substrate at 42 inches always before the finish is applied and the button system is connected. Consequently, the **up call button**, which is mounted vertically and is located a few inches higher than the previously located 42 inch high rough framed junction box.

**Resolution:** DSA/ACS has reasoned that the connection junction box should be located within 42 inches of the finish floor and that the **up call button** be located center-lined at 48 inches maximum above finish floor. This forward approach is within specified reach limits and meets the intent of the California Access Code, and will not deny access to anyone.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

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**Fire Repair Construction**

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**96-06**

Effective 7-15-96

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

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**Issue:** A primary entrance to the building or facility and the primary path of travel to the specific area of alteration, structural repair or addition, including sanitary facilities, drinking fountains and public telephones serving the area.

(Note there some minor exceptions.)

**Resolution:** This notice is intended to emphasize a change in scope for the California Building Code effective April 1, 1994, promulgated by recent federal and state code changes adopted to address the requirements of The Americans with Disabilities Act of 1990. The U.S. Department of Justice has notified public entities including the Division of the State Architect that states cannot wave obligations to provide necessary accessible paths of travel, toilet rooms and parking beyond the scope of fire repair areas.

Traditionally, most codes only require replacement of materials as built according to the codes in effect at the time of the original construction, and do not require the construction repair to comply with current code levels. Also, most code issues are normally confined to the fire damaged areas in schools and as well as privately funded projects. However, the California Building Code and federal Americans with Disabilities Act provisions will require the scope of work to extend outside the fire damaged area if it is necessary to provide accessible toilets.

On state-funded school projects, the Office of Local Assistance that funds fire repair projects have been notified that it must fund these additional requirements as a necessary part of projects it funds. Also, school district insurance policies generally apply only to the damaged area and additional insurance might be necessary for full coverage of needed work.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Handrails At Steps

# 96-10

Effective 2-13-96

Revised 12-30-96

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** The definition of 'Stairway' is:

**STAIRWAY. Two or more risers shall constitute a stairway.**

Since handrails are required by code for 'stairways', it appears that there is no requirement for single steps. Model code does not address accessibility at single step conditions.

**Resolution:** The Division of the State Architect, (DSA/AC), must review any and all work which effects accessibility for path of travel, functional areas, outdoor gates, fences, outdoor surfaces, landscaping, and grading. Government Code 4450 requires compliance with the Americans with Disabilities Act Accessibility Guidelines until minimum standards are adopted. Therefore, in order to meet State legislative mandates to approve plans meeting the intent of Gov. Code 4450, DSA/AC does require handrails at single step conditions where path of travel to new work is required to be accessible.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program



**Unisex Restrooms****97-01**

Effective 1-17-97

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Where separate toilet facilities are available for the general public, separate facilities shall be made available for persons with disabilities. However, sometimes there are grounds for unreasonable hardships in existing buildings. In alteration projects in existing buildings, some projects are eligible for unreasonable hardship consideration due to legal or physical constraints. One of the solutions available is to allow limited use toilets when hardships are granted by the building official. Such unreasonable hardship toilet compartments have been illustrated in the building code as front-transfer or side-transfer arrangements. Generally, these provide some access for persons with disabilities who are not severely limited in mobility. These designs are often used in male and female toilet rooms so that some access can be provided where separate facilities are offered.

DSA has had many comments from the disabled community preferring a fully accessible unisex toilet room rather than separate sex partially accessible toilet rooms. In high rise construction, back-to-back male and female toilets may occur on every floor. It seems more practical to provide a pair of fully accessible toilets when clearly possible and, on projects where hardship is granted due to legal or physical constraints, DSA would prefer to approve unisex toilets as they provide greater usability for persons with disabilities.

**Resolution:** Only on projects where the building official grants an unreasonable hardship, and where front-transfer or side-transfer toilets would be considered an option, DSA will accept unisex fully accessible toilets as equivalent to a pair of partially accessible arrangements. Unisex toilets will be permitted where full code compliance is technically infeasible, after the effective date of the 1999 amendments to the CA Building Code.

NOTE 1: Currently, accepting unisex toilets as equivalent to fully accessible separate toilet compartments is not appropriate for new construction or alteration without unreasonable hardship.

NOTE 2: Labor code issues may require separate facilities within a reasonable distance when there are four or more employees serving a business.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Permit Extensions

# 97-02

Effective 4-29-97

Revised 4-5-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Some projects under the jurisdiction of Access Compliance have been approved in the past and are eligible for extensions. Certain projects were approved prior to implementation of the Americans with Disabilities Act regulations. Those remodel projects permitted before January 26, 1992, and those new projects submitted prior to January 26, 1993, were permitted prior to implementation of federal regulations relating to accessibility. Essentially, the US Department of Justice has indicated to DSA that those projects are “grandfathered-in”, and do not have to meet ADA requirements.

Access Compliance incorporated more restrictive federal accessibility requirements into the State Building Code through rulemaking changes effective April 1, 1994. Projects submitted after this date may be allowed extensions without code upgrades.

Some projects were submitted and approved by DSA in the window period between implementation of federal regulations and enforcement effective dates for DSA “new ADA language.” This window period may include projects that were plan reviewed to higher federal standards as a courtesy to the architect, yet were not enforceable by DSA/AC under state law. Some architects did not want to comply with higher federal standards and chose to be responsible for those unenforceable issues.

**Resolution:** Existing projects submitted to Access Compliance during a window period beginning from January 26, 1992, or if new construction, January 26, 1993, and ending April 1, 1994, need to be examined by Access Compliance plan checkers to verify compliance with higher federal standards now in effect before extensions to the permit may be granted. Most projects were approved to the higher standards of either state or federal law, however, now must be required to change to incorporate ADA standards. DSA/AC has no authority to continue permit extensions on these projects contrary to the intent of state law that now requires ADA minimums.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Interim Disabled Access Guidelines for Electrical Vehicle Charging Stations

# 97-03

Effective 4-30-97

Revised 6-5-97

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** In state funded projects with electrical vehicle, charging stations must be accessible. Electric Vehicles are being slowly introduced to the consumer market over the next three years as a result of an agreement between auto makers and the State of California. The zero emission vehicles as well as the equipment to charge them are continuing to develop and change at a rapid pace. Yet to successfully serve new electric vehicle customers, public charging is essential. Public charging sites that are developed now are likely to see significant technology changes before electric vehicles are fully commercialized. Based on a rule adopted by the California Air Resources Board, beginning in 2003, 10% of vehicles sold in California must be zero emission.

Public charging stations will be installed in public places such as shopping centers, parking lots and garages of companies or municipalities. They are provided as a convenient charging location for Electric Vehicle owners while they work or shop. Full charging of an Electric Vehicle takes between two to three hours.

**Resolution:** Representatives of the Division of State Architect, California Electric Transportation Coalition, Edison EV, The California Building Officials, Department of Rehabilitation and members of the disabled community have held meetings for the purpose of developing interim guidelines to address the issue of disabled access to these charging stations. The following guidelines have been developed and agreed upon by these organizations:

### ARE EV CHARGING STATIONS REQUIRED TO BE ACCESSIBLE?

Yes. EV Charging Stations are required to be accessible because they offer a service to the general public. When EV charging is coupled with regular parking, the EV charging is considered the primary service. (See Item V for further discussions.)

### WHAT PERCENTAGE OF THE EV CHARGING STATIONS MUST BE MADE ACCESSIBLE?

The following table shall be used in determining the required number of accessible charging stations:

# of charging stations provided at a site	# of accessible charging stations required
1 to 25	1
50	2
51 to 75	3

## **WHAT PERCENTAGE OF THE EV CHARGING STATIONS MUST BE MADE ACCESSIBLE?**

The following table shall be used in determining the required number of accessible charging stations:

<b># of charging stations provided at a site</b>	<b># of accessible charging stations required</b>
76 to 100	4

## **WHAT SPECIFICATIONS MUST THE ACCESSIBLE EV CHARGING STATION COMPLY WITH?**

- a. A 9 foot wide space by 18 feet deep space is required. An access aisle of 5 feet on the passenger side is required. One in every eight accessible charging stations, but not less than one, shall be van accessible with a 8 foot access aisle.
- b. The accessible EV charging station and its access aisle need not be striped or provided with signage as required for an accessible parking space. An information sign must be posted which reads, "Parking for EV Charging Only; This Space Designed for Disabled Access; Use Last."

## **MUST ACCESSIBLE EV CHARGING STATIONS BE RESERVED EXCLUSIVELY FOR THE USE OF PERSONS WITH DISABILITIES?**

No. The primary function of these stations is the charging of Electric Vehicles. Parking is not intended to be the primary use of the charging station.

## **ARE THERE ANY RESTRICTIONS RELATIVE TO THE LOCATION OF THE ACCESSIBLE EV CHARGING STATIONS?**

For installations associated with new construction, the accessible charging station must be located in close proximity to a major facility, public way or a major path of travel on the site. Note: 200 feet is the maximum distance recommended. However, the charging stations need not be provided immediately adjacent to the major facilities since, again, the primary purpose of the stations is to provide the charging as a service, and parking is not intended to be the primary use of the stations.

For installations at existing sites, the accessible charging station need not be located in close proximity to other services at the site.

## **IS AN ACCESSIBLE PATH OF TRAVEL REQUIRED FROM THE ACCESSIBLE EV CHARGING STATION TO OTHER SERVICES PROVIDED AT THE SITE?**

Yes, for installations associated with new construction. As for other facilities on the site, an accessible path of travel is required between facilities.

For installation at an existing site, an accessible path of travel is required to the extent that the cost

of providing such path does not exceed 20% of the cost of the EV equipment and installation of all EV charging stations at the site, when such valuation does not exceed the threshold amount referenced in Exception 1 of Section 1134 of Title 24. The accessible path of travel shall connect to a major facility, public way or major path of travel on the site.

#### **WHAT SPECIFICATIONS MUST THE CHARGING EQUIPMENT MEET?**

The charging equipment must meet all applicable reach range provisions of Section 1118B of Title 24. A clear path of travel measuring 36 inches in clear width to the charging equipment is required.

#### **DOES THE INSTALLATION OF CHARGING STATIONS AT AN EXISTING SITE TRIGGER PATH OF TRAVEL IMPROVEMENTS SUCH AS PRIMARY ENTRANCE TO OTHER FACILITIES, RESTROOMS, TELEPHONES, OR DRINKING FOUNTAINS?**

No, unless the above features are located in the parking lot, are accessed directly from the parking lot and designed for use with the parking lot.

#### **HOW DOES THE THREE-YEAR VALUATION ACCUMULATION APPLY TO THESE INSTALLATIONS?**

The valuation of other improvements at the site over the last three years need not be added to the cost of the installation to determine application of the exception referenced in item VI above. The cost of installation of other EV charging stations at the site over a three-year period must be used in determining compliance with the exception.

Approving Authority:

A handwritten signature in black ink, appearing to read "M. Mankin", with a stylized flourish at the end.

Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Engineered Wood Product at Playground Equipment

# 97-04

Effective 6-25-97

Revised 4-5-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Often playground equipment is inaccessible when the surrounding fall area uses sand, sawdust, and loose wood chips. While playgrounds do not have specific requirements in the California State Building Code (CSBC), they are public accommodations required by State law to be accessible. Also the US Access Board has developed draft language regarding accessibility to playground equipment which indicates several issues that need to be addressed in providing access to playground equipment.

**Resolution:** Until specific regulations are adopted by either the US Access Board or the CSBC, engineered wood products meeting the standard identified as ASTM-PS83 will be allowed as an acceptable destination material around playground equipment. The path-of-travel to such equipment should be no further than twenty (20) feet from transfer areas or entrances to the playground equipment. In other words, while such material as Fibar or other engineered wood products are not appropriate for path-of-travel surfaces, as destination material around play equipment, they are appropriate for the dual use of being an appropriate fall area material and also providing a reasonable surface for access to the equipment. material requires that it not be compromised by the use of sawdust and other poor maintenance techniques, which lessens its value in providing access to the equipment. The use of all rubber surfaces around play equipment is also acceptable. When rubber is used as a path through Fibar to transfer points, engineered wood products have a tendency to drift away from the rubber path providing a dangerous stumbling area for children running around the equipment.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

**Detectable Warning Domes At Curb Cuts  
Required By Federal Law To Be Flushed At The Lip****97-05**

Effective 7-2-97

Revised 4-5-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** The State Building Code calls for a half-inch lip at the bottom of all curb ramps. Federally-funded projects, generally those on the State highway grid system, are required to have flush positions at curb cut lips. This requirement prevents compliance with the present State Building Code specific to this issue. In cooperation with the California Department of Transportation and other interested parties, the Division of the State Architect/Access Compliance Program (DSA/AC) in its jurisdictional role, has approved for Caltrans a standard set of plans which permits flush curb ramps as an equivalent facilitation where the curb ramps are required to be flush because of federal requirements. While DSA/AC continues to endorse the appropriateness of State enhancements to federal minimum requirements, we feel it is important that enhancements for partially-sighted and blind citizens must be maintained.

**Resolution:** On projects where federal law requires flush transition at the bottom of curb cuts, DSA/AC will accept either a steep curb cut at or exceeding 1:15 slope or a 24-inch band of detectable warning domes, arranged in-line (not the staggered pattern) as an alternative to the half-inch lip. This design allows partially-sighted and blind persons to detect hazardous vehicular areas. Note that the 24-inch in-line domes are only required where curb ramps are less than 1:15 slope. Any project or any jurisdiction which wishes to install curb cuts without the half-inch lip should develop a policy of examining this issue on a case-by-case basis until federal and state codes are realigned. This policy shall remain in effect for projects solely under our jurisdiction and projects in other jurisdictions should be reviewed by the local building official on this issue.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program



## Parking Ticket Dispensers

# 97-06

Effective 12-23-97

Revised 4-5-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** This interim policy requires parking areas controlled by ticket dispensers to include accessible parking spaces for persons with disabilities outside the controlled area so that these inaccessible dispensers do not create an architectural barrier.

The California Vehicle Code Section 22511.5 allows any person with a disability, displaying distinguishing placards or special plates, to park in any zone that is restricted in the length of time parking is permitted, and metered parking, such as those restricted by ticket dispensers to allow such persons to park without paying any fees. While most people with disabilities would rather pay the fee in order to be treated equally, it may be necessary to consider this issue in conjunction with developing a solution for a related issue in providing additional uncontrolled parking. DSA is not intending to prevent parking facilities from charging a fee in spite of metered parking being exempted from the fee in statute. While existing parking facilities are somewhat limited with the situation they have, they must programmatically provide solutions that make it possible for persons with disabilities to park without the need to retrieve a ticket from a ticket dispenser. Intercom systems that could call an attendant to raise the gate, or to remotely raise the gate, would seem to be a reasonable programmatic solution.

Such dispensers are architectural barriers to quadriplegics, some amputees and other persons with reach-range limitations. As a rule, programmatic solutions may not withstand the test of time, and architectural barriers must be solved by architectural solutions. Until regulations are developed, DSA is adopting an interim policy consistent with the vehicle code and the regulations cited below, which provide a solution to these architectural barriers.

**Resolution:** To be consistent with Vehicle Code Section 22511.5 and Government Code Section 4450, and especially Section 101.2 of Part 2 of the California Building Code, Title 24, it is necessary to plan review and approve parking facilities which provide at least one accessible van stall outside the restricted area in new construction, and in existing facilities, DSA will require adequate signage indicating a programmatic solution if there is not accessible parking equally available within 200 feet in a nearby facility.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program



## Top and Bottom Landings at Relocatable Classroom Buildings

# 97-07

Effective 8-25-97

Revised 3-1-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** For many years, the Division of the State Architect, Access Compliance (DSA/AC) policy has been to accept top landings with only 30 inches clear area at the strike side of doors. This policy is inconsistent with State Regulatory Law where 42 inches is required whenever a door opens out onto a landing. DSA feels that to continue accepting 30 inch strike side clearances is only acceptable under certain conditions which relate to existing conditions.

**Resolution:** Relocatable classroom buildings submitted for review after January 1, 1998, must provide a top landing as required in the State Building Code which requires 42 inches clear of the door swing, and therefore must be 42 inches away from the leading edge of the door.

Where the relocatable building is being moved to a new location and an existing ramp is being relocated for use with that building, then DSA/AC will accept the situation as adequate at 30 inches on the strike side. Also, existing ramps formally approved by DSA under a PC designation will also be acceptable if relocated if such landing was designed in a way to provide only 30 inches clear on the strike side.

This policy is confirmed after a review of statutory and regulatory law, as well as public testimony or comments from the hearing, portable classrooms will no longer be approved less than 42 inches clear from the leading edge of the door to the centerline of the approaching ramp. Any other drop-off situation, such as stairs or open sides, either must be protected by a guardrail or must provide a level and clear distance 42 inches away from the leading edge of the door to the closest unguarded edge.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

**Over-The-Counter Approvals for Existing Restrooms****97-11**

Effective 11-3-97

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Many existing school sites have restrooms which have been approved by the Division of the State Architect/Access Compliance (DSA/AC) and have approval numbers greater than 44,000. While these approvals indicate that the requirements at that time were being met, new code changes were adopted in 1994 to require a 60 inch turning circle and an out-swinging door in all single occupancy restrooms. At the time of this code change, the application numbers were assigned above 61,000. Although projects approved later than this are clearly fully accessible, other projects approved with numbers above 44,000 are still quite usable. Because it is often technically unfeasible to upgrade prior approvals to current standards, the DSA/AC staff is instructed to generously grant hardship exceptions upon request when all the other issues meet the current code requirements.

**Resolution:** All projects submitted should have DSA approval numbers greater than 61,000 that indicate path of travel, accessible parking (including van), restrooms, and drinking fountains. Projects with DSA approval numbers between 44,000 and 61,000 may demonstrate a reasonable amount of access. However, these projects may not be meeting the Americans with Disabilities Act (ADA) regulations. A means to identify the non-compliance and have these facilities upgraded to meet current code regulations must be created. The following directive shall be a staff guideline to accepting and approving these projects:

1. Grant a hardship, when requested, to projects where access has been provided with approval numbers of less than 61,000 and above 44,000. Request the name and phone number of the ADA coordinator for the district.
2. Grant a hardship when the architect would have to make an additional trip to the site, for verification of access with approval numbers 44,000 to 61,000 to meet current code compliance regulations for access. Request the name and phone number of the ADA coordinator for the district.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Access Code Adoption to the Metric System

# 97-12

Effective 12-9-97

Revised 4-5-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** The Federal government adopted the metric system as the master measurement system usable in the U.S.A. as of October 1, 1996. The Metric system was originally generated to make measurements easier to calculate, which is why other countries welcomed it. Most people in the U.S.A. are not accepting it and complain that it is more difficult.

The difficulty centers on the use of the millimeter (mm) and the meter (M) as its main units. A millimeter is a little more than 1/32 of an inch, and a meter is a little more than a yard. The imperial measuring system conversion would be as follows: 1 unit = 1/32 inch, and 1 yard = 1152 units.

There are units in between inches and feet and units between millimeters and meters; centimeters (cm) and decimeters (dm). 1 cm = 10 mm (slightly less than one-half inch), and 1 dm = 100 mm (about 4 inches).

The imperial architects chose feet and inches as human scale and 1/8 of an inch or less for shop drawings. The metric architects selected meters and centimeters as human scale and millimeters for shop drawing.

For example the code calls for door size to be 36" x 80". The exact conversion in the code it is 914 mm x 2032 mm. However, rounding out the numbers to centimeters the conversion would be 90 cm x 200 cm.

**Resolution:** Apply to access related dimensions only:

1. Since the metric system is the future system, it needs to be treated as the master system followed by equivalent imperial system, for example:

*"Door Size. Every required exit doorway shall be of a size as to permit the installation of a door not less than 90 cm (3 feet) in width and not less than 200 cm (6 feet 8 inches) in height."*

2. Currently the code allows tolerance for construction error; conversion tolerance will also be permitted.
3. Use nominal conversion for 1" = 2.5 cm and 1' = 30 cm.

4. As 1/8 of an inch and miles were never addressed in the access building code, the same millimeters and kilometers will be left out.
5. This change should be used immediately until it is incorporated in the new code.

Approving Authority:

A handwritten signature in black ink, appearing to read "M. Mankin", with a stylized flourish at the end.

Michael J. Mankin, AIA  
Manager, Access Compliance Program

**Special Access (Wheelchair) Lifts****98-01**

Effective 2-18-98

Revised 4-5-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**ISSUE:** In cases of extreme hardship where installation of accessible elevators or wheelchair lifts are technically infeasible, and at other times, to prevent the destruction of a historic building, residential elevators are permitted to serve as a part of the accessible route. Generally, residential elevators are too small for a person using a wheelchair to enter and turn around within the elevator cab. Certain enhancements are required in order to provide a safe and useable elevator.

**RESOLUTION:** In addition to current special lift standards in Article – 15, special access lifts - performance guidelines shall be a part of the DSA/AC plan checking requirements for those projects under state jurisdiction. The following enhancements will also be a part of these performance guidelines:

1. Gates and Doors: Each gate and door serving a special lift shell will be designed to meet the minimum requirements of Doors, Section 1133B.2
2. Folding Transition Lift Ramp: Each folding transition ramp shall be arranged to provide a clear unobstructed 48 inches perpendicular to the low-side edge of the folding transition ramp.
3. Policy 95-05, Residential Elevators in Commercial Buildings: Policy 95-05 shall also be a part of these performance guidelines.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

**Two-Story Relocatable Classrooms Project****98-02**

Effective 7-13-98

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Two-story relocatable classrooms are considered new construction and require full-size commercial elevators for accessibility.

**Resolution:** This policy will be enforced on a case by case basis; however, DSA will consider the following as acceptable compliance with the California Building Code regulations.

Each school district utilizing two-story modular, relocatable classrooms must submit in writing to this office, a request for a waiver to use wheelchair lifts in lieu of full commercial elevators on a site by site basis, for review and approval by DSA for the State of California.

1. School district(s) choosing to utilize two-story modular, relocatable classrooms may be allowed to utilize one wheelchair lift only at any one school site as long as there is not more than 3,000 square feet on the upper level two-story classrooms in one single cluster at any one given site. If, after the initial cluster has been erected, the school district(s) place more two-story modular, relocatable classrooms at that given site, the school district(s) agree to utilize full commercial elevators as prescribed by State codes.
2. The school district(s) agree that if they place any more than 3,000 square feet on the upper level two-story modular classroom or any additional cluster, that the school district(s) shall utilize full commercial elevator systems as prescribed by State Codes.
3. Should the school district(s) choose to actually relocate any classrooms to a new site, the school district(s) shall conform to all items above.
4. The superintendent or assistant superintendent of the district(s) shall assert that the school has an ADA transition plan that is being funded and which has been aired through public participation, as required by federal law; and attest that all of the above conditions for granting this one-time exception from installing a full-size commercial elevator have been met.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Accessibility Requirements In Group I Occupancies

# 98-04

Effective 10-15-98

Revised 4-5-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** The general accessibility requirements usually apply throughout a facility, and occupancy enhancements often add specificity. However, for Group I Occupancies, scoping reductions reduce the total number of required accessible patient bedrooms and related toilets.

**Resolution:** The general application of accessibility requirements for new buildings or for renovations, structural repairs, alterations and additions to existing buildings are found in CCR title 24, Part 2, Chapter 11B (California Building Code), Section 1103B.1. Occupancy modifications and/or enhancements, found in subsequent sections, prescribe more detailed requirements for specific applications.

The specific applications for accessibility for Group I Occupancies (Hospitals, Skilled Nursing and Intermediate-Care Facilities) are found in Sections 1109B.1 through 1109B.8., Section 1109B.3, subsections 1 through 3, state that the total number of patient bedrooms and associated toilet rooms that must be accessible for Long-term-care (Skilled Nursing and Intermediate Care) facilities are 50 percent, 10 percent for General-purpose hospital (Acute Care) facilities, and Rehabilitation facilities must have 100 percent accessible patient bedrooms. Specificity is also given in the various sections of 1109B pertaining to requirements for the facility entrance, diagnostic and treatment areas, waiting areas, offices and sanitary facilities, offices and suites, and all public-use and common-use areas. The requirements found in Section 1114B.1 are to be applied to all of these areas.

The special requirements of Section 1114B.1 need not be applied to those patient bedrooms and associated toilet rooms beyond the percentage of rooms required in Section 1109B.3. To place these requirements on **all** patient rooms and/or associated toilet rooms would in essence be requiring 100 percent patient bedroom accessibility. This is clearly not the intent or specific percentages, as a modification or enhancement to patient bedroom accessibility requirements would not have been given.

The total number of accessible patient bedrooms is to be applied facility-wide, not necessarily by unit or by floor. However, care must be exercised to have a reasonable disbursement of accessible patient bedrooms throughout the facility.

Because of other code provisions, it appears that reasonable access or accommodation is generally provided to all patient bedrooms. The doors are 3'-1-" or 4'-0" wide to provide the minimum 44" clear exit width required by Section 1019.2. This width is greater than the 32" mini-

mum required for accessibility. Doors are usually easy to open because closures are not required for patient bedrooms, even when located off a rated exit corridor, per Section 1019.3. The doors are usually left in an open position when occupied to allow better supervision by nursing staff and cubicle curtains surrounding the bed(s) usually provide privacy.

Approving Authority:

A handwritten signature in black ink, appearing to read "M. J. Mankin", with a stylized flourish at the end.

Michael J. Mankin, AIA  
Manager, Access Compliance Program



**Folding Bleachers Accessible Seats****98-05**

Effective 12-1-98

Revised 3-16-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** The California Building Code (CBC) calls for providing accessible seating areas for persons with disabilities in stadiums, multi-purpose rooms, and gymnasiums.

**Section: 1104B.3.5 / 3103A (b) 2.A (iii)d. Placement of wheelchair locations.**

*Wheelchair areas shall be an integral part of any fixed seating plan, and shall be arranged so as to provide persons with disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. Each wheelchair area shall adjoin an accessible route, which shall also serve as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seat locations. When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location in addition to complying with Section 1104B.3.3/3103A (b) 2.A (iii).*

Folding bleachers are a fixed foldable seating system and the wheelchair spaces are usually provided by a cut back in the first rows. Integrated companion fixed seats cannot be obtained in most designs.

**Resolution:** Until more specific regulations are adopted for foldable bleachers, projects will be accepted which have the following features:

1. Next to each wheelchair space a 60-centimeters (24-inches) by 120 centimeters (48 inches) clear space will be provided for each companion seating area, with signage identifying it on the companion seat.
2. Wheelchair spaces will be identified by the International Symbol of Accessibility on the floor or on the front of the lowest bleacher row in front of space.
3. The number of wheelchair accessible seats shall be dispersed equally for each side (home and visitors) and shall not be clustered into one location for each side.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Signs

# 98-06

Effective 10-15-98

Revised 4-5-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** The intent of DSA, Access Compliance, (DSA/AC), is to provide tactile and visual information for persons with visual and mobility impairment necessary for full use of the building or members of the general public, employees and guests.

**Resolution:** Until more specific regulations are adopted for signs, projects will be accepted which have the following features:

1. There shall be high dark/light contrast between the sign background and the tactile characters.
2. The surface of the sign background and of the tactile characters shall be non-glare.
3. Tactile characters:
  - a. The characters shall be raised from the background 1/32 inch minimum.
  - b. Characters will be between 5/8 inch minimum and 2 inches maximum in height.
  - c. Character width shall be between 60 and 100 percent of the height of the character. (Ratio of 3:5 to 1:1)
  - d. Stroke width shall be between 10 and 20 percent of the height of the character. (Ratio of 1:10 to 2:10)
4. Tactile characters shall be accompanied by Grade 2 Braille with the following specifications:
  - a. Braille shall be located a minimum of ½ inch from tactile characters.
  - b. Interdot distance shall be 1/10 inch from center to center.
  - c. Intercell distance shall be 3/10 inch from center of a dot in one cell to the center of the corresponding dot in the adjacent cell. (Example: from dot 1 in first cell to dot 1 in adjacent cell.)
  - d. Dot height shall be 1/40 inch (.025 inch).

Whereas, Title 19 requires that each stairwell in a high-rise building have a 12 inches square sign which informs emergency personnel of the stairwell number, the level, which levels can be accessed by that stairwell, and if there is roof access from that stairwell. Title 19 requires certain type sizes and stroke widths. It also requires that the signs be installed in locations where emergency personnel going up and down stairs can see them, and where an open door will not obscure the sign, and

Whereas, Title 24 requires that permanent rooms and spaces which are identified by a number to be identified by a Braille and raised character sign. Further, Title 24 has certain different requirements concerning type sizes and stroke widths. It also requires that the signs be installed in a specific location adjacent to the door on the inside of the stairwell.

These two sets of regulations are not compatible. Therefore, the two sets of regulations can not and should not be satisfied with one sign. Since the floor level is identified by a number, letter, or combination, a separate Braille and raised character sign must be installed adjacent to the door on the inside of the stairwell with this identification. This identification sign must follow all rules of Title 24 dealing with contrast, lack of glare, character size, thickness of raised character, space between raised character and Braille, and Braille specifications.

Every enclosed stairwell shall be identified with a tactile sign with the letter, number or combination assigned to that particular level. This sign shall follow all standards for identification signs contained in Title 24 and ADAAG:

The sign shall be installed adjacent to the door leading into the corridor from the stairwell. The centerline shall be 60 inches above the finish floor, preferably on the latch side. The sign shall be placed so that an individual facing the sign can approach within 3 inches without being hit by the swing of an opening door or encountering an obstacle. If there is not sufficient room immediately adjacent to the door, or not on the latch side, the sign shall be installed as close as possible to the door it identifies.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Assembly Seating

# 98-07

Effective 12-31-98  
Rev 12-19-01

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** There is some confusion related to accessible seating in auditorium, assembly halls, theatres and related facilities. This makes it difficult to establish exactly what types of seats are required. The problem comes about largely because California regulations requiring accessible wheelchair seating existed prior to the 1994 adoption adding language for Americans With Disabilities Act (ADA).

It was the intent of DSA/Access Compliance to adopt only the necessary enhancements required by the ADA which were above and beyond the then existing state requirements. Therefore, it is important to know that the text of the regulations were written for no other purpose than to include what was minimally required by the ADA. In adding companion seating requirements and folding arm rests requirements, it is unclear whether these features are combined with, or mutually exclusive of each other.

**Resolution:** The number of wheelchair seating spaces are clearly identified in Table 11B-1 which identifies the number of wheelchair seating spaces for each individual person. A companion seat is required to be adjacent to each individual person seat. Folding armrests are required by the ADA and are not required by the ADA to be on an accessible route. One percent beyond the number of required wheelchair seating spaces are required to have folding armrests, however, they may be included in the number of semi-ambulance seating spaces being provided.

One percent of the seats, in addition to the number of required wheelchair spaces, must be required to have at least 24 inches clear leg space in front of the seat to the nearest obstruction. These seats were intended to be provided as a type of seat mutually exclusive of the type of seats with removable armrest. Furthermore, some of the semi-ambulatory seats may be provided with removable armrest to accommodate persons using crutches and walkers. Clustering seats when siteline slopes are greater than 5% is only allowed to be within a given story or mezzanine and does not relieve the project from a need to provide seating in each balcony, mezzanine or floor. In other words, you cannot consolidate seats on one level because this would indicate a highlighted area for persons with disabilities in a discriminatory manner and will not be permitted on projects under DSA/AC jurisdiction.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

**Special Education Relocatable Classrooms****99-01**

Effective 1-31-99

Revised 3-10-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Title 24, Part 2, the California Building Code (CBC) requires public accommodations to be accessible and available on an accessible route with equal facility. Special education trailers for persons with disabilities are at times placed inappropriately in remote corners of the site, somewhat distant from the main buildings of the school facility. Often these sites are placed in a fenced-off area separate from the main playground areas of the school. Recently, case law has indicated that separate, highlighted, accessible features are discriminatory, and that the intent of statutes is to provide integration and dispersal of accessible features. Special education relocatable buildings must be provided as an integrated part of the school facility according to the U.S. Department of Education, Office of Civil Rights, and may not be fenced-off as a separate facility. If these buildings are being fenced-off in order to avoid application of the Field Act, the effect is discriminatory and is unacceptable.

**Resolution:** Special education relocatable classrooms shall be placed within 200 feet of the main building(s) and may not be fenced-off from the rest of the school site.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Playgrounds

# 99-02

Effective 7-1-99

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Participation areas are required to be accessible by Section 1104B.4.3 of Part 2, Title 24, California Code of Regulations. Playgrounds are required to be accessible by this section and by the Americans with Disabilities Act. However, the California Building Standards Code does not provide specificity by indicating on an item by item basis which particular features are required. Additionally, federal agencies are concerned that California playgrounds are often not in strict compliance with Section 504 of the Rehabilitation Act of 1973, which requires play areas, which when viewed in their entirety, to be accessible by teachers, parents and children with disabilities in the most integrated setting.

The Federal Access Board has developed play setting recommendations for new construction, but these well developed accessibility guidelines are not yet adopted by the US Department of Justice for incorporation into the ADA accessibility guidelines. Playgrounds are required to be accessible to persons with disabilities as part of an ongoing obligation under Title II of the Americans with Disability Act. As a separate issue, the California Building standards Code “triggers” the requirements for accessibility in alterations, additions or in new construction when it occurs.

**Resolution:** Until specific requirements are adopted by the US Department of Justice and incorporated into the State Building Standards Code, DSA/AC will not take issue with playground plans which have been developed consistent with the accessibility guidelines for the Play Setting Subcommittee issued by the Access Board. Generally, playground equipment shall be reviewed during the plan check as part of the review process, and in some cases where the design and type of equipment has not been determined, deferred approvals shall be accepted prior to close out of the project. An accessible route will be required to one of each type of feature available in playground equipment, with engineered wood, properly installed and maintained, roll-out mats, or rubber surfaces deemed to be accessible surfaces. Raised features must be available at grade or by transfer points which lead to elevated areas by way of stepped platforms. All features at grade level must also be accessible, and arrange of play features must be provided (at least one of each type). Related to this policy see the Play Setting Subcommittee Guidelines used as a current standard for this environment.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Application for Unreasonable Hardship Exception

# 99-05

Effective 9-17-99

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** See Attached Form.

**Resolution:** See Attached Form.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

Attachments



## APPLICATION FOR UNREASONABLE HARDSHIP EXCEPTION

Date Received:\_\_\_\_\_ Accepted by:\_\_\_\_\_

### **DOCUMENTATION OF UNREASONABLE HARDSHIP**

Project

Address:\_\_\_\_\_

\_\_\_\_\_

Plan Review #:\_\_\_\_\_

Owner:\_\_\_\_\_ Telephone:\_\_\_\_\_

Applicant:\_\_\_\_\_ Telephone:\_\_\_\_\_

\*\*\*\*\*

*I HEREBY REQUEST AN UNREASONABLE HARDSHIP EXCEPTION* for the public accommodation identified as follows:

*I DECLARE* that an unreasonable hardship exists and that compliance with the building standard would make the specific work of the project affected by the building standard unfeasible. In support of the application, the following information establishes the grounds for a hardship exception under 24 CCR § 222.4

1. State the cost of providing access. \$\_\_\_\_\_
2. State the cost of all construction contemplated. \$\_\_\_\_\_
3. The access feature increases the cost of construction by: %\_\_\_\_\_
4. State the impact of proposed improvements on financial feasibility of the projects.
5. State the nature of the accessibility which would be gained or lost.

\_\_\_\_\_

\_\_\_\_\_

6. State the nature of the use of the facility under construction and its availability to handicapped persons.

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7. State the facilities to be provided that are equivalent to the access feature requested to be waived.

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I further acknowledge that if the exception being requested is for improvements along the route of travel for an alteration project of minor valuation (<\$89,000) or to alter an area previously exempt from accessibility requirements under California law, that I will expend no less than 20% of the valuation of the project (not including costs for requirements along access route) to improve access along the route of travel as required by 24 CCR § 1134B, Exceptions 1 and 2.

The following individuals provided information listed in the above section:

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Architect

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Owner(s)

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Address

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Address

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Signature

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Date

**Residential Care Facilities****99-06**

Effective 9-1-99

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** Privately-funded residential accommodations are generally separated into two categories:

1. Short-term living accommodations or transient lodging facilities are for stays less than 30 days and are regulated by the California Building Standard Code (CBSC) for hotels, motels and dormitories as specified in CBSC, Title 24, Chapter 11B.
2. Long-term living accommodations are regulated by the Department of Housing and Community Development (HCD), for privately-funded projects as specified in CBSC, Title 24, Chapter 11A.

**Resolution:** Privately-funded Residential Care Facilities (RCF) are considered long-term in their nature and generally have common dining and kitchen facilities. Currently, DSA/AC interprets that RCF's shall comply as follows:

1. Six or less guestrooms are not regulated for access by the CBSC, and are exempt by statute.
2. Over six guestrooms, the guestrooms should comply with CBSC, Title 24, Chapter 11A, as required by the HCD; and the common or public areas that are not considered guestrooms should comply with CBSC, Title 24, Chapter 11B, including site access.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Toilet Paper Dispensers at Accessible Stalls

# 99-07

Effective 9-17-99

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** California Government Code requires public accommodations to be accessible and available on an accessible route with equal facility. When other than flushed toilet paper dispensers are used in an accessible toilet stall or room, the required clearance width of access to the side of the toilet may be reduced, thus limiting accessibility.

**Resolution:** Limit the projection of a surface or semi-surface mounted accessory from encroaching more than three inches from the face of the wall or partition, and no closer than one and one-half inches to the tangent point of the grab bar.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

## Door Stops and other Floor-Mounted Obstructions

# 99-08

Effective 12-1-99

Revised 1-1-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** California Government Code 4452 and Title 24, Part 2 require public accommodations to be accessible and available on an accessible route with equal facility. To assure that the path of travel is free of hazards, care must be taken in the design and placement of walking-surface or wall-mounted components.

**Resolution:** Floor-mounted door stops and similar obstructions are allowed to be installed at a maximum of four inches from the face of the wall or partition. Refer to Title 24, Section 1133B.8.6, for protruding objects.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

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**Waivers****99-09.1**

Effective 9-1-99

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This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

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**THIS POLICY SUPERSEDES POLICY #99-09**

**Issue:** DSA/AC has been granting waivers on California Building Code accessibility requirements on class size reduction projects and other relocatable projects by accepting approved modernizations, one-time waivers and Americans with Disabilities Act (ADA) transition plans. Due to continuous conflict with federal requirements of the ADA and to address concerns raised by US Department of Education, a change in our longstanding policy is necessary.

**Resolution:** Except for modernization and other large projects, all construction, including relocatable buildings submitted as class size reduction and over the counter projects, shall include as a minimum the following elements:

1. At least one set of accessible separate sex toilet facilities centrally located.
2. At least one hi-lo drinking fountain centrally located.
3. Van-accessible parking.
4. An accessible pedestrian route from the main entrance of the site to the new, or altered area linking accessibility elements 1 through 3.

One-time waivers, or any kind of deferral shall not be accepted in lieu of these required accessibility features.

Approving Authority:



Michael J. Mankin, AIA  
Manager, Access Compliance Program

**Self-Evaluation and Transition Plan****00-01**

Effective 4-1-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** State-funded facilities have to comply with both state and federal accessibility requirements. They must meet the provisions of the California Government Code 4450 and the Americans with Disabilities Act (ADA), whether new or existing. As one of several steps in achieving this goal, ADA Title II requires that all public entities complete a Self-Evaluation and Transition Plan<sup>1</sup> which must outline all work necessary to attain a barrier-free program and facility. The Transition Plan is an important element of ADA compliance and represents the best tool available to evaluate a public entity's compliance status. By completing this plan, a public entity will have demonstrated a good-faith effort towards federal and state accessibility code compliance.

California Government Code 4450(b) requires DSA/AC to ensure that projects submitted for review meet minimum requirements of the ADA. Since the majority of public entities under DSA/AC jurisdiction have failed to *correctly* complete a Self-Evaluation and Transition Plan, it is necessary to provide a policy to assist them towards a **meaningful** conclusion.

**Resolution:** All public entities with ADA Title II responsibilities and under the jurisdiction of DSA/AC are required by federal mandate to complete a Self-Evaluation Transition Plan. DSA/AC is not the agency responsible for approving such a plan, however, in order to ensure the most cost/effective allocation of funds to meet federal and state accessibility requirements and to ensure full participation by people with disabilities in public life, it is our belief that the followings steps need to be taken:

1. Appoint a knowledgeable ADA/504 compliance officer responsible for ongoing Title II program compliance and development/implementation of the self-evaluation plan for existing programs and services. Be responsible for maintaining and monitoring the transition plan objectives and timetable. Encourage and maintain public participation and awareness. Respond to enquiries from the public, employees and clients.
2. Create a Disability Advisory Committee (DAC) whose membership will include employees, clients and community participants. The committee should include a broad representation of persons with disabilities.
3. Complete the self-evaluation plan<sup>2</sup> with the DAC. Hold public hearings on the Self-Evaluation Plan, including comment periods as required for adequate public input. Implement all corrective

<sup>1</sup> Federal Code of Regulations reference: 28 CFR 35.105-35.107, 35.150(c) and (d)

<sup>2</sup> U.S. Department of Justice, The Americans with Disabilities Act, Title II Technical Assistance Manual, November 1993, pages 43-47. Available from the Pacific Disability & Business Technical Assistance Center, 800/949-4232, or on-line at [www.usdoj.gov](http://www.usdoj.gov).



measures related to policies, programs and activities identified by the Self-Evaluation Plan.

4. As part of the development of the transition plan,<sup>2</sup> survey all facilities, identify architectural barriers, and establish a specific timetable for corrective action with DAC and public participation. Develop a program evaluation plan to ensure program focus and on-time outcomes. *Any departure from the requirements of the California Building Standards Code (CBSC) identified in the transition plan should be reviewed and approved in writing by DSA/AC after acceptable equivalent facilitation has been provided, per Government Code 4451 (f).*
5. Continue to maintain accessibility to all programs, services and facilities, as required by ADA Title II and CBSC.

Approving Authority:

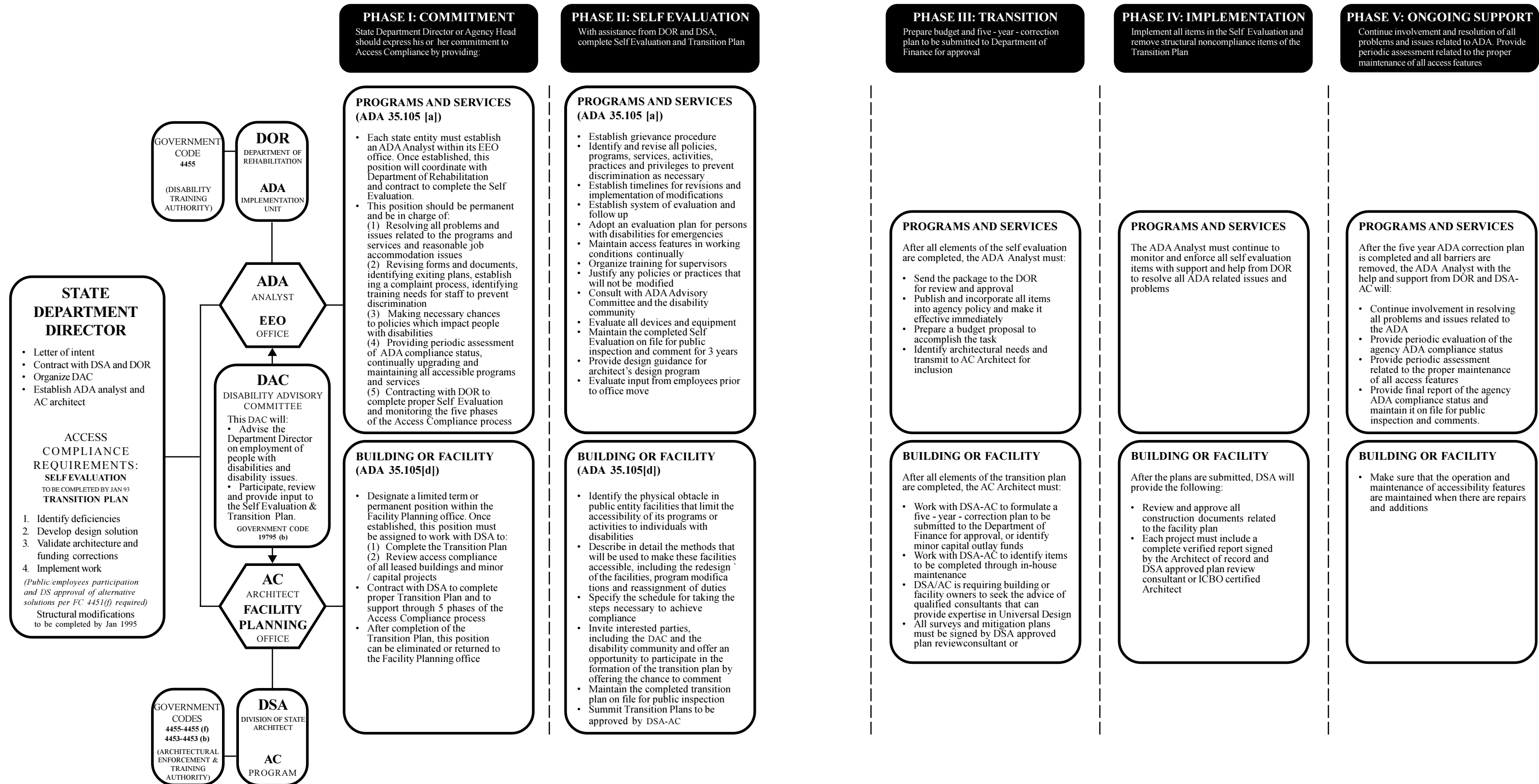


Michael J. Mankin, AIA  
Manager, Access Compliance Program

<sup>2</sup> U.S. Department of Justice. The Americans with Disabilities Act, Title II Technical Assistance Manual, November 1993, pages 43-47. Available from the Pacific Disability & Business Technical Assistance Center, 800/949-4232 or on-line at [www.usdoj.gov](http://www.usdoj.gov).



# STATE OF CALIFORNIA FIVE PHASES OF ACCESS COMPLIANCE



## Acceptance of Construction Documents Policy

# 00-02

Effective 7-1-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f) of the California Code of Regulations.

**Issue:** The Division of the State Architect/Access Compliance (DSA/AC) accepts projects when the plans and specifications are complete and accurate. Plans and details shall be consistent and correct as required by the California Building Standards Code and all DSA/AC published policies applicable to Access Compliance.

Work may be considered for rejection for any of the following reasons:

- Excessive coordination errors (no more than ten per project). Civil, architectural, structural, mechanical, plumbing, landscaping, electrical, and specifications should be coordinated to match.
- Excessive, incomplete dimensioned details from site plan, floor plans, and interior elevations.
- Absence of coordinated signage schedule indicating the location and mounting height of signs.
- Absence of accessible parking indicating dimensioned clearances, slopes, transition between material, signage, parking ratio.
- For modernization projects, no path of travel is indicated to accessible toilets and area of new work.
- Incomplete plan set as indicated on the index sheet.
- Lacking application, check, plans or specifications.
- Assembly rooms without seating plans and details. No accessible seating locations with companion seating. Non-equitable lines of sight.
- Doors without all required clearances fully dimensioned.
- Missing details for ramps, curb cuts, transitions, elevators, stairs, lifts, thresholds, cross slopes.
- Absence of dimensioned restroom plans to enlarged scale ¼" and interior elevations with fixture location and accessory mounting heights.
- Incomplete door schedule with
  - size of doors
  - hardware groups

- threshold details referenced
  - signage coordination
- Assembly rooms without assistive listening devices as required with signage.

Approving Authority:

A handwritten signature in black ink, appearing to read "M. J. Mankin", with a stylized flourish at the end.

Michael J. Mankin, AIA  
Manager, Access Compliance Program

**END OF POLICY MANUAL**